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Docket No.: 1293.1071D3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jung-Wan KO et al.

Serial No. 10/020,980

Group Art Unit: 2653

Confirmation No. 1189

Filed: December 19, 2001

Examiner: Aristotelis M. PSITOS

For: RECORDING MEDIUM FOR STORING WRITE PROTECTION INFORMATION AND
WRITE PROTECTION METHOD THEREOF

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OFFICE OF PETITIONS

**PETITION FOR SUPERVISORY AUTHORITY TO THE SUPERVISOR
OF GROUP ART UNIT 2653 UNDER 37 CFR §§ 1.182 AND 1.182**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**ATTENTION: Supervisor of Art Unit 2653
BOX AF**

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Technology Center 2600

Sir:

Pursuant to 37 CFR §1.182, applicant hereby petitions the Supervisor of Group Art Unit 2653 for supervisory review of the outstanding prosecution and presence at an in-person interview with the Examiner and applicant. A Request for Interview is concurrently filed herewith.

The required Fee of \$130.00, under §1.17(h), for this Petition is enclosed.

INTRODUCTION

Though applicants have the opportunity to proceed through the appeal route, it is believed that opinion of the Supervisor, as a third-party, would be helpful to advance prosecution for an allowance. Applicants have made the Examiner aware that applicants would be open to discussions to advance prosecution toward an allowance, while the Examiner would appear to be locked in the obviousness decision, regardless of any amendments applicants propose or make. It is also believed that the in-person interview will more fully detail the Examiner's obviousness position, and permit applicants an opportunity to rebut the same.

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Through two previous interviews with the foreign inventors, a number of detailed responses, and an Appeal Brief, applicants have repeatedly attempted to explain the present application and corresponding distinctions between the claims and the cited prior art references. After each interview, it was believed that the Examiner understood the invention and apparently agreed with applicants' positions, while subsequently issuing another rejection based essentially on the same primary reference and the same primary argument. During the most recent interview, March 25, 2004, applicants submitted new claims, similar to the previously pending claims, with differing scope and breadth, and particularly discussed the cited references and the inapplicability of the same, as well as the insufficiency of the outstanding §103 rejections.

Thus, it respectfully requested that the Supervisor of Group Art Unit 2653 review the present application prosecution history and the concurrently filed After Final Amendment, and be present at an in-person interview with applicant.

OUTSTANDING REJECTIONS

The pending independent claim is a medium claim that particularly identifies areas of the medium, including a Power Calibration Area (PCA) and a Recording Management Area (RMA), and particularly claims write protection information provided in the RMA, controlling unwanted writing or erasing of the entire medium, except for the PCA and RMA, noting that the PCA exception was added in the After Final Amendment, as it appeared the Examiner was requiring the same.

As pointed out in the After Final Amendment, the inventors encountered a problem when designing the claimed medium, in that since some media may be removed from a carriage or case, and as conventional write protection for an entire medium was performed through write protect holes in the carriage or case, there was a need to enable the medium to still have write protection even if it was removed from the carriage or case.

To solve this particular problem, applicants devised the placement of write protection information in an RMA area of the medium. As further explained in the After Final Amendment, conventional write protection schemes were based on a physical level, e.g., the aforementioned write protect holes of the case or carriage, or in a file level logical write protection, e.g., storing write protection information based upon particular files on the medium. The aforementioned RMA solution of the present application is a drive level logical solution that permits write protection information to be stored and read at a drive level.

Thus, applicants have claimed the storage of a write protection information in a particular area of a medium, to solve a particular problem, with only the present application explaining this problem. In the After Final Amendment it was pointed out that, other than the disclosure of the present application, the cited prior art failed to disclose either the need or suggestion to store the write protection information in the RMA.

The outstanding rejections, and prior rejections, have been primarily based on the Examiner's reluctance to allow claims directed toward the storage of any write protection information to a medium, noting that a rejected dependent claim even particularly claims a particular byte position within a field of the RMA to store the write protection information.

It is respectfully submitted that the § 103 rejections are not based on evidence in the record, but result from the Examiner's conclusion that the claims should not be allowable, and subsequent building of the claimed invention.

For example, the obviousness rationale for placing the write protection information in the claimed RMA area is that write protection information is a management of the medium and therefore would be stored in the RMA, without any discussion of what other areas of the medium also store management information, and why one would chose the RMA over all other available management areas. Similarly, the rejection of the claimed particular byte position essentially indicates that control signals are stored in byte positions, and therefore it would have been obvious to store the claimed write protection information in the claimed byte position 2, of the particularly claimed field 0, of a Recording Management Data (RMD) area, of the RMA.

CONCLUSION

Presently, applicants believe that the only two prospects for furthering prosecution are to file an Appeal Brief, and proceed with the appeal route, or attempt to have a third party review the present prosecution and be present for any in-person interview with applicant. As the Appeal route requires increased costs and a severe delay, it is believed that the presently filed petition is the best route for advancing prosecution.

In addition, as there has been extensive prosecution of the claimed subject matter, it is believed an allowance determination can be made during such an in-person interview, without the need of further searching or analysis. Thus, it is believed that all pending issues can be addressed through the in-person interview, with applicant, the Examiner, and the third party Supervisor.

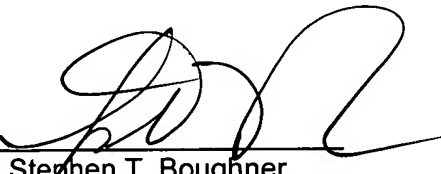
In view of the above, applicants respectfully requests that the Supervisor of Group Art Unit 2653 review the prosecution of the present application and be present at an in-person interview with applicants, as requested in a concurrently filed Request for Interview.

The Commissioner is authorized to charge any Petition fee for underpayment or credit any overpayment to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8/18/04

By: 
Stephen T. Boughner
Registration No. 45,317

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501